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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,005	09/28/2001	David Bruce Kumhyr	AUS9-2001-0766-US1	4840

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EXAMINER

TO, JENNIFER N

ART UNIT	PAPER NUMBER
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2195

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/966,005	KUMHYR ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jennifer N. To	2195	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. Claims 1-33 are pending for examination.
2. The abstract of the disclosure is objected to because it exceeds 150 words in length. Correction is required. See MPEP § 608.01(b).
3. The title is too long. A new title is required that is as short and specific as possible.
4. The cross reference related to the application cited in the specification must be updated (i.e. update the relevant status, with PTO serial numbers or patent numbers where appropriate, on page 1, line 14. The entire specification should be so revised).

### ***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter in which the applicant regards as his invention.
6. Claims 1-33 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
  - a. The claim language in the following claims is not clearly understood:

Art Unit: 2195

- i. as per claim 1, lines 9-16, it is not clearly understood what is meant by "enabling any one of a plurality of users to interactively register and un-register to perform an action on said build event" (i.e. register/un-register means start/end action, or edit/undo edit action).
- ii. as per claims 10, 12, 21, 23, and 32, they have the same deficiencies as claim 1. Appropriate corrections are required.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 4-7, 12, 15-18, 28, and 26-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Bertero et al. (hereafter Betero) (U.S. Patent No. 6698013).

9. As per claim 1, Bertero teaches the invention as claim including a computer controlled user interactive display system for dynamically tracking and controlling the building of software program objects (abstract) comprising:

Art Unit: 2195

means for tracking each of a plurality of sets of sequential build events, each of set of sequential build events respectively building a program object (abstract, lines 1-6; col. 2, lines 53-61);

means for displaying each of said sets of sequential build events (figs. 2H-J);

means associated with each of said displayed sequential build events enabling any one of a plurality of users to interactively register to perform an action on said build event (col. 12, lines 56-67; col. 13, lines 1-65); and

means associated with each of said displayed sequential build events enabling any one of said plurality of users to interactively un-register to perform an action on said build event (col. 12, lines 56-67; col. 13, lines 1-65).

10. As per claim 4, Bertero further teaches means for responsive to a state in a build event for automatically performing a registered action on said build event (fig. 2D; table 3; col. 11, lines 55-67; col. 12, lines 1-14; col. 13, lines 41-46)

11. As per claim 5, Bertero further teaches means responsive to a state in a build event for enabling a user to selectively perform a registered action on said build event (col. 12, lines 56-67, col. 13, lines 66-67; col. 14, lines 1-8).

12. As per claim 6, Bertero teaches that wherein said registered action is notice to the registered user of a state in a build event.

Art Unit: 2195

13. As per claim 7, Bertero teaches that wherein another registered action may be selectively performed by the registered user (col. 13, lines 66-67; col. 14, lines 1-8).

14. As per claims 12, 15-18, 28, and 26-29, they are rejected for the same reasons as claims 1, and 4-7 above.

***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. Claims 2-3, 9-11, 13-14, 20-22, 24-25, and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bertero et al. (hereafter Bertero) (U.S. Patent No. 6698013), as applied in claim 1 above.

17. As per claim 2, Bertero teaches the invention substantially as claimed in claim 1. Bertero did not specifically teach the step of determining whether the user is authorized to perform said action.

Art Unit: 2195

18. However, Bertero disclosed the step of each user must enter in user ID, password, and also the step of monitoring user interaction (col. 12, lines 56-64; col. 14, lines 19-44).

19. It would have been obvious to one of an ordinary skill in the art at the time the invention as made to have recognized that Bertero teaching of step of each user must enter in user ID, password, and also the step of monitoring user interaction would include the step of determine whether the user is authorized to perform action on said build event based on user ID and password for providing security, integrity to the project. Therefore, one would be motivated to utilize this concept for tracking the development of a software application and determining the changes and/or attempted to the project in an efficient manner (Bertero, col. 2, lines 42-45).

20. As per claims 3, and 9, they are rejected for the same reason as claim 2. In addition, Bertero teaches means enabling a user to selectively request a displayed data entry dialog box (fig. 2A).

21. As per claims 10-11, 13-14, 20-22, 24-25, and 31-33, they are rejected for the same reason as claims 1-3, and 9 above.

***Response to Arguments***

22. Applicant's arguments filed on 01/17/2006, with respect to the rejection(s) of claim(s) 1-33 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

***Allowable Subject Matter***

23. Claims 8, 19, and 30 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Oyagi et al. (U.S. Patent No. 6199193) teaches a method for software development.

Tarumi (U.S. Patent No. 6182273) teaches groupware development assisting system.

Leonard (U.S. Patent No. 5729746) teaches interactive tool for developing software product.

Takeda (U.S. Patent No. 5535388) teaches an apparatus for dynamically collecting and editing management information during a software development process.



Art Unit: 2195

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer N. To whose telephone number is (571) 272-7212. The examiner can normally be reached on M-T 6AM- 3:30 PM, F 6AM- 2:30 PM.

26. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

27. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer N. To  
Examiner  
Art Unit 2195

  
SUPERVISOR MINER